office, and the Lords of Appeal in Ordinary. The Lord Chancellor is appointed by the Prime Minister, and as he is a member of the Cabinet, presiding officer of the House of Lords, and goes out with his party, his position as judge is anomalous. His functions as a judge of the Chancery Division, seldom exercised since 1875, have now been formally taken away. All the other judges are appointed by patent from the Crown on the advice of the Lord Chancellor, and hold office during good behavior.

THE LIMITATIONS IN CHUDLEIGH'S CASE. — One of the best examples in the books of the ingenuity of early conveyancers is to be found in *Chudleigh's Case*, 1 Rep. 114. One Richard Chudleigh, Knight, there appears as grantor in a deed by which lands were conveyed to trustees in fee to the use of the said Chudleigh and his heirs on the body of Elizabeth, then wife of Richard Bampfield, lawfully to be begotten; for default of such issue, to the use of said Chudleigh and his heirs on the body of Laurentia, wife of Robert Fulford, lawfully to be begotten; and so on until the names of four other married women had been similarly employed; finally, if Chudleigh should die without issue by any of them, then, after his death, the trustees were to hold the estate to their own use during his eldest son Christopher's life, and after his death, to the use of his first and other sons successively in tail.

The curious form of these limitations has often been noticed. A correspondent in the January number of the Law Quarterly Review calls attention to an explanation of them in Popham, 70, 76, where there is a report of the case under the name of *Dillon* v. *Fraine*. "In as much as the manner of assurance made by Sir Richard Chudleigh may seem strange, and in some manner to touch the reputation of the said Sir Richard (who was a grave and honest gentleman) to those who heare it, and do not know the reason why he did it," Popham says that it is only just to add a word of explanation. And he proceeds to relate how Sir Richard's son Christopher had committed murder and fled to France, and the father, doubting what would become of his estate if he should die before settling it, and yet wishing to retain the power of destroying, by a common recovery, any settlement he might make, had been advised by counsel to convey the land in the above manner. He thus succeeded in preventing his son Christopher from inheriting the estate, and at the same time did not prejudice his other issue, "because he never had a purpose to marry with any of these wives." The reason why so many married women were introduced into the settlement would appear to be, as the writer in the Law Quarterly Review remarks, to guard against the contingency of Sir Richard being left tenant in tail after possibility of issue extinct; which would have hindered him in suffering a recovery.

WHEN WILL EQUITY SET ASIDE A VOLUNTARY SETTLEMENT? — Under what circumstances a party shall be allowed to revoke his own voluntary settlement of property, containing no power of revocation, is a question on which there has been much fluctuation of opinion in both England and America. In the recent case of *Richards* v. *Reeves*, 45 N. E. Rep. 624 (Ind.), the court, in deciding that the maker of an improvident voluntary settlement, without a power of revocation, might have had it set aside, state the rule to be "that in a voluntary settlement the absence

of a power of revocation throws upon the person seeking to uphold the settlement the burden of proving that such a power was intentionally excluded by the settlor, and that in the absence of such proof the settlement may be set aside." In the actual case the settlor was dead, and the court held that the plaintiff was not entitled to the benefit of the equitable right of the settlor in this respect; notwithstanding that it fairly appeared from all the circumstances that there was no definite intent to make an irrevocable gift. The court seem to have considered that a voluntary settlement ought always to be considered as revokable, unless it was shown positively that the settlor's attention was especially directed to the absence of the power of revocation, and he expressly declared his intention to exclude it. Such a very strict technical rule might indeed be fairly supposed to exist in England, from the cases of *Coutts* v. *Ackworth*, L. R. 8 Eq. 589, and *Wollaston* v. *Tribe*, 9 Id. 44; but in later cases the court refused to go to such a length, as appears from the well considered opinion in *Hall* v. *Hall*, L. R. 8 Ch. 430. The state of the law since *Hall* v. *Hall*, and the leading American case of *Garnsey* v. *Mundy*, 24 N. J. Eq. 243, of about the same date, was admirably summed up in a note by Mr. Bispham, in 13 American Law Register, 349. Mr. Bispham reduced the rule to this form: "Where the deliberate intent to make an irrevocable gift does not appear, and where no motive for such a gift is shown, the absence of a power of revocation is *prima facie* evidence of mistake." What evidence will suffice to show a deliberate intent, or an adequate motive from which it may be inferred, must depend on the circumstances of each case, as also perhaps on the temper of the court. The Massachusetts court, as appears from the case of *Taylor* v. *Buttrick*, 165 Mass. 547, is little disposed to set aside voluntary settlements except for fraud or duress; the absence of a power of revocation being considered in that jurisdiction as only slight evidence of mistake.

TITLE TO LOST CHATTELS. — A recent English decision of considerable importance in connection with the question as to the title to lost chattels, the real owner of which cannot be found, is *South Staffordshire Water Co.* v. *Sharman*, [1896] 2 Q. B. 44. In this case the defendant, a workman, while engaged under the plaintiff's directions in cleaning out a pool of water on land owned and possessed by the plaintiffs, found two gold rings in the mud at the bottom of the pool. The real owner not appearing, it was held that the water company was entitled to the rings, the decision being rested upon the broad ground that, where chattels are found on private premises, the one in possession of such premises — unless he has invited the public to resort there — is presumed to have been in possession of the chattels themselves, even though he was unaware of their presence. For this proposition the court relies upon the theory advanced in Pollock and Wright's Essay on Possession, pp. 37–42. See also Holmes, The Common Law, pp. 206–246.

Apparently, however, the position of the court is at variance with the decision in the leading case of *Bridges* v. *Hawkesworth*, 21 L. J. Q. B. 75, where the court held that one who found chattels upon a shop floor had a good title as against all but the true owner, it being immaterial whether the property was found on the public street or on private premises. It is conceived, furthermore, that the reasoning of the court in